IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8493 OF 2003

Dattatray Ramchandra Shelke ... Petitioner

V/s.

State of Maharashtra & Ors. ... Respondents

Mr.R.K. Mendadkar for Petitioner
Mr.C.R. Sonawane, AGP, for Respondent Nos.1 and 2
Mr.G.S. Hegde for Respondent Nos.3 and 4

CORAM: **H.L. GOKHALE &**
SMT.NISHITA MHATRE, JJ.

DATED: **SEPTEMBER 30, 2004**

P.C.:

. Heard learned Counsel for the parties.

2. The Petitioner herein was selected to the post of a Helper on 15.5.1995. He claimed that he belonged Mahadev Koli community which is a scheduled tribe. His claim was forwarded to the scrutiny committee for verification which invalidated it.As a result thereof, his services have been terminated from 2.3.2002 and the same is under challenge.

3. Mr.Mendadkar for the Petitioner submitted that the State Government has passed a resolution on 15.6.1995 which permits as a special case such persons to be considered as belonging to the special backward class in the event they belong to any such other community. His

submission is that his case is similar to the one of Maruti Jadhav whose Writ Petition No.422 of 1997 was decided on 15.1.2004 and Jay R. Dhope, whose Writ Petition No.1817 of 2004 was decided on 23.2.2004. In both these cases, the Court had considered the fact of selection which was prior to the date of the resolution though the appointment order came to be pased subsequent to the resoution. In both the cases, these factors have weighed on the Court to give the benefit of resolution to the Petitioners therein. He submits that his case be considered on the same basis. Mr.Hegde learned Counsel for Respondent Nos.3 and 4, however, submits that the better course will be that the Petitioner should represent to the Corporation pointing all these facts as also his certificate belonging to the Koli community whereafter the Corporation will arrive at a proper decision.

4. In the present case, the Petitioner is out of job from 2.3.2002. More than two years have gone since then. In the circumstances, we accept the suggestion made by Mr.Hegde that the Petitioner will make a representation to the S.T. Corporation and we expect the Corporation to arrive at a decision in the light of the two judgments which have been referred to above.

5. Mr.Mendadkar states that the representation will be forwarded within two weeks from today. In such a case, the Corporation will take the necessary decision

within eight weeks from the receipt of the representation.

6. Writ Petition is disposed of accordingly.

(H.L. GOKHALE, J.)

(NISHITA MHATRE, J.)